

EXHIBIT a

Affidavit of Yolanda von Braunhut

1 I, YOLANDA VON BRAUNHUT, declare as follows:

- 2 1. My name is **Yolanda von Braunhut**.
- 3 2. I reside at 6200 Chapmans Landing Road, Indian Head, MD 20640-3040.
- 4 3. I maintain a post office box address at PO Box 809, Byrans Road, MD
20616-0809.
- 5 4. I am the individual named as a Plaintiff in the action entitled *Transcience*
Corporation & Yolanda von Braunhut (individual) v. Big Time Toys, LLC
(Index Number: 13 CV 6642) that is now currently before the Court in the
Southern District of New York (**SDNY**).
- 6 5. On or about December 6th of the year 2012 I received a phone call from
James O'Rourke who I knew to be an officer of the Defendant Big Time
Toys, LLC (herein *BTT*).
- 7 6. Mr. O'Rourke told me during that phone call that *BTT* would not be making
the royalty payment due on December 10, 2012.
- 8 7. That royalty payment was due pursuant to written agreement between
BTT and the Transcience Corporation (herein *Transcience*),
- 9 8. I asked Mr. O'Rourke if *BTT* needed more time to pay.
- 10 9. Mr. O'Rourke replied with words to the effect of, "No, we just can't
continue to pay to you that kind of money".
- 11 10. Mr. O'Rourke told me that he had told the CEO of *BTT*, namely Sam
Harwell, that he advised Sam "to not throw good money after bad" and
that *BTT* should no longer pay its monthly royalty payment obligation to
Transcience.
- 12 11. Mr. O'Rourke further stated words to the effect of, "We could make a new
contract, maybe for half of the current amount".
- 13 12. I responded with words to the effect of, "I can't do that . . . this is my
primary source of income . . . I am dependent on this money . . . I
depend on this money every month to pay my bills . . . and . . . I have
people who depend on me to pay them".

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13. Mr. O'Rourke stated words to the effect of that, "If *BTT and Transcience*
2 cannot work out a new deal that Sam (referencing Sam Harwell the CEO
3 of *BTT*) is prepared to give you back the Sea-Monkeys® business".
- 4 14. I declined to agree to change the monetary terms of the contractual
5 agreement between *Transcience* and *BTT*.
- 6 15. The entire phone call lasted about 20 minutes.
- 7 16. Before entering into the 2007 "License Agreement" between *Transcience*
8 and *BTT* Mr. Harwell, the CEO of *BTT*, visited my residence in Maryland.
- 9 17. I told Mr. Harwell that I needed to be assured of 3 things before entering
10 into a contract with a licensee of my company's Sea-Monkeys® product.
- 11 18. First, I needed someone who really and truly loved the Sea-Monkeys®
12 product.
- 13 19. Second, I would need a promise that George Atamian, (my friend, my
14 husband's friend, a Vice President at *Educational Insights*, and longtime
15 associate of *Transcience* and the Sea-Monkeys® product) would have to
16 be hired by the licensing company.
- 17 20. Third, I stated words to the effect of, "I need a good amount of money for
18 this because this is my only source of income".
- 19 21. The notion that the pouch payments should somehow be counted as a
20 royalty payment, as discussed in detail in other papers submitted to the
21 Court relating to the case against *BTT*, is preposterous on its face.
- 22 22. Both parties and their legal representatives knew then and know now that
23 the pouch payments were, are, and will NOT to be counted as royalty
24 payments.
- 25 23. I have now been cut off from my primary source of income for what is now
26 going to be 16 months on March 10th 2014.
- 27 24. *BTT* is abundantly aware of my fiscal fragility and is doing everything
28 within its power and control to take advantage of my vulnerability and
dependence on my company's Sea-Monkeys® product.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing to the best of my knowledge is true and correct.

Executed this 6th day of MARCH, 2014

at BRYANS ROAD, MD 20616

Yolanda Von Braunhut

Yolanda Von Braunhut

March 6, 2014

Date

Sworn to before me this

6th day of MARCH, 2014

Gloria M. Davies

Notary Public
GLORIA M. DAVIES

Signature Page

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